

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Wayne L. Geddes, Sr.

v.

Civil No. 06-cv-139-JD

City of Nashua, et al.

O R D E R

As the result of an incident with the Nashua police that resulted in his arrest, Wayne L. Geddes, Sr., brought suit alleging claims under 42 U.S.C. § 1983 and related state law claims. The defendants, the City of Nashua, the police chief, and three officers, moved for summary judgment on Geddes's § 1983 claims that he was arrested without probable cause in violation of the Fourth Amendment and that the city had improper policies and procedures which caused the alleged constitutional violations and a state law claim of false arrest. In response, Geddes has agreed to the dismissal of those claims.

Conclusion

For the foregoing reasons, the plaintiff's claim in Count I, alleging that he was arrested without probable cause, all of his claims in Count II, and his false arrest claim in Count III are dismissed. Therefore, the claims remaining in this case are a federal claim under § 1983 of excessive force in violation of the

Fourth Amendment alleged in Count I against the individual police officers and the state law claims alleged in Count III, other than the claim of false arrest.

SO ORDERED.



Joseph A. DiClerico, Jr.
United States District Judge

May 16, 2007

cc: Brian J.S. Cullen, Esquire
Donald E. Gardner, Esquire
Lawrence A. Vogelmann, Esquire